THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. Nos. 3175, 3176, 3180, 3181, 3182, 3635 and 3751 of 2007

Common order:

The petitioners in these writ petitions are employees of Girijan Co-operative Corporation Limited. They filed the writ petitions assailing the proceedings dated 04.02.2006, passed by the 1st respondent, as illegal and arbitrary. By the said proceedings, the 1st respondent requested the General Manager (Finance) to recover the amounts mentioned therein in monthly instalments from the salaries of the petitioners on the ground that the Corporation sustained loss due to purchase of spurious honey from the vendor. The said proceedings were issued issuing notice and after calling for explanation from the petitioners.

The writ petitions were admitted. The respondents having received the notice, entered their appearance through counsel and filed counter-affidavits.

The learned Standing Counsel for the respondents submitted that the writ petitions filed by the petitioners are not maintainable in that they have an effective alternative remedy under Section 4 of the A.P. Co-operative Societies Act, 1964, and in support of this argument, he brought to my notice a judgment dated 24.02.1999 of a learned single Judge of this Court in W.P. No. 10507 of 1998, which was by a Division Bench of this Court in W.A. No. 374 of 1999, vide its judgment dated 23.03.1999.

However, the learned counsel for the petitioners submitted that since there is no provision in the A.P. Co-operative Societies Act, 1964 specifically dealing with the disputes relating to recoveries of salaries from the employees, the petitioners have filed the present writ petition, and it cannot be said that the writ petitions are not maintainable.

Having heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents, I have perused the material available on record, including the judgments on which the learned Standing Counsel for the respondents placed reliance.

In W.P. No. 10507 of 1998, an employee of this very same

Girijan Co-operative Corporation, assailed the action of the Vice-Chairman and Managing Director, directing recovery of certain amounts from his salary towards the loss sustained. A learned Judge of this Court, while dealing with the said writ petition, relied upon the judgment of the apex Court in **R.C. Tiwari v. M.P. State Co-operative Marketing Federation Limited and others**[1] held that the said judgment is an authority to state that the employees and other persons governed by A.P. Co-operative Societies Act, 1964 should work out their remedies as provided thereunder, and holding so, and further relying upon a Full Bench judgment of this Court in **S.K.C.C. Bank Limited v. N. Seetharamaraju**[2] held that the power conferred upon the Registrar under Section 4 of the Act is wide enough to give appropriate direction even in service matters. Holding so, the learned Judge dismissed the writ petition, giving liberty to the petitioners therein to avail the remedies under the A.P. Co-operative Societies Act, 1964. This judgment of the learned single Judge was even confirmed in appeal in W.A. No. 374 of 1999 vide judgment dated 23.03.1999 of a Division Bench of this Court. However, the Division Bench, while confirming the judgment, directed that the proceedings for recovery of the amount be kept in abeyance for a period of two months to facilitate the petitioner to approach the competent authority under the A.P. Co-operative Societies Act, 1964 for redressal of their grievance.

Inasmuch as in the instant case also, the petitioners have assailed similar proceedings, which sought to recover certain amounts from the petitioners towards loss sustained by the Corporation, the remedy of the petitioners, if any, having regard to the judgments referred to above, is to approach the competent authority under the A.P. Co-operative Societies Act. Hence, I deem it appropriate to dispose of the writ petitions with the following directions:

The petitioners are at liberty to avail the remedy available to them under Section 4 of the A.P. Co-operative Societies Act, 1964, before the Registrar by way of appropriate representation, within a period of six weeks from today. Till such time, the respondents are directed not to give effect to the recovery in pursuance of the impugned proceedings, except in the case of W.P. No. 3182 of 2006, in which the petitioner is already said to have paid the amounts sought to be recovered. However, the recoveries, if any made by the respondents in

pursuance of the impugned proceedings, shall be subject to the outcome of the proceedings that may take place before the Registrar under Section 4 of the A.P. Co-operative Societies Act. On the petitioners filing the representation, the Registrar shall consider and dispose of the same expeditiously.

Accordingly, the writ petitions are disposed of. No costs.

N.V. RAMANA, J.

Dated: 12th July, 2007.
KSR

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[1] 1997 (5) SCC 125

[2] 1990 (1) An.W.R. 675